

Capitol Intensive

Right to Faceless Accusers



Judges up for new terms get blog-style blowback from anonymous defense lawyers — and lawmakers throw a fit

By Andy Bromage

The written comments trashing Judge James P. Cinochio are pretty harsh: They come from criminal defense lawyers who proffer first-hand accounts and hearsay as evidence that Cinochio is widely disliked as a jurist.

And they're all anonymous.

"This guy is out of control and is a nut job," writes one faceless attorney. "I have also seen him threaten to put 9 year old kids in jail for smoking marijuana."

"I'm hearing some pretty bad things about him through the grapevine," writes another. "I have some judge friends and in confidence they have told me that he is pretty well-hated by the judges he works with in judgeport."

These aren't rants posted on some random lawyers blog. They're official submissions to the state legislature from the Connecticut Criminal Defense Lawyers Association, who asked its members for feedback on state judges up for re-appointment. Judges come up for new terms every eight years and this year they're facing some blog-style blowback from defense lawyers who fry cases in their courtrooms.

Lawmakers from both parties are irate that judges would be criticized anonymously.

For the first time, the CCDLA has supplied members of the General Assembly's Judiciary Committee with anonymous comments on state judges made by dozens of criminal defense lawyers in letters, voicemail messages and a members-only listserve.

The packets arrived at the Legislative Office Building in big cardboard boxes on the opening day of the session and were distributed to lawmakers ahead of last week's confirmation hearings.

Only one lawyer personally testified about any of the judges up for reappointment. In remarks widely carried in the mainstream media, Jon Schoenhorn spoke out against Superior Court Judge Patricia Swords for her merciless courtroom manner — like refusing to postpone a case even when the primary defense lawyer was hospitalized after a seizure.

Not publicized were the dozens of anonymous comments about Swords and other judges weighed by lawmakers deciding whether to remove them from the bench.

One lawyer called Swords "very harsh; a royal pain in the ———." Another likened her approach to sentencing to "a knife to the gut — twisted, back and forth, back and forth."

Swords hung onto her job by a thread, but another batch of judges come up for confirmation hearings next month — and by the looks of the comments, a few of those should be just as controversial.

The vast majority of the comments are positive — glowing even — but lawmakers from both parties are still irate that judges would be criticized anonymously.

State Sen. John Kissel, an Enfield Republican, compared it to McCarthyism. Republican Senate Minority Leader John McKinney called the nameless defense attorneys "cowardly." Democratic Senate President Don Williams warned the practice would hasten a "slide into tyranny."

We know the cameras are rolling guys — but whoa there! There are perfectly legit reasons why a lawyer wouldn't sign a statement critical of a judge, says Tara Knight, a New Haven criminal defense lawyer who gathered the comments.

It's very rare that a judge gets derailed and it's the lawyer's clients who will get stuck with the nuanced mistreatment," Knight says. "The last thing you need is a hostile judge who will take out vengeance on your client."

Translation: You'll never get honest feedback if the lawyers have to sign their names. Judge Swords even suggested as much, saying that when she was a state prosecutor she would never openly criticize a judge to his or her face.

Knight says the comments aren't anonymous. Each one was signed with the lawyer's name, address and phone number, and withheld at the author's request. Some lawyers might be persuaded to testify in person but others, like whistleblowers, would only do so anonymously for fear of retaliation.

Besides, Knight says, anonymous feedback is common practice in the picking of judges. Any time a judge has a trial or suppression hearing, the judicial branch asks the prosecution and defense to fill out evaluation forms — anonymously. The forms are then aggregated and analyzed by the Judicial Selection Commission, a panel appointed by the governor, and the Judiciary Committee when vetting candidates for the bench.



New Haven criminal defense attorney Tara Knight.

They put stock in those evaluations," Knight says. At least one lawmaker was swayed by the comments.

State Sen. Ed Meyer, a Branford Democrat who voted against Judge Swords' confirmation, said he was ready to brush off the attorneys' comments until the head of the association swore under oath to their authenticity. "I felt that sworn testimony validated the authenticity of these letters," Meyer says.

The Criminal Defense Lawyers Association isn't withdrawing the comments from the next round of confirmation hearings. If anything, Knight says, they may just submit an affidavit attesting to the authors' validity to give them extra oomph.

If this is what the slide into tyranny feels like, it's gonna be a juicy ride.

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